



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

MEMORANDUM

To: See Distribution
From: Mark Wissinger, P.E.
Construction Engineer
Date: June 5, 2006
Subject: Supplemental Specification Revisions: 104.06 Rights in and use of materials found on the work, 203.01.1 Excavation, 203.04.1 Excavation.

The Construction Administration Services Bureau is proposing revisions to Standard Specification, 104.06 Rights in and use of materials found on the work, 203.01.1 Excavation, 203.04.1 Excavation. Following the Standard Specification Revision Process outlined in the Construction Engineer's Memorandum dated January 9, 2002 the following information is provided.

1. Standard Specifications, 104.06 Rights in and use of materials found on the work, 203.01.1 Excavation, 203.04.1 Excavation will be modified and replaced.
2. The Proposed Drafts of the changes are attached along with this memorandum.
3. Revision to the Standard Specification is needed to clarify the measurement and dual pay issues.
4. Those impacted by the change include:

Field Construction, Contractors, CAS Bureau
5. The following individuals were consulted and/or involved in developing the proposed revisions:
 - CAS Bureau

*It is requested that written comments on **the proposed revisions only**, be returned to mdtspecifications@mt.gov no later than June 30th, 2006.*

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104.06 RIGHTS IN AND USE OF MATERIALS FOUND ON THE WORK.

Apply for and obtain the Engineer's written approval prior to using excavated materials for items that require a second field measurement. Designate in the request which item payment is requested for. Only one item will be eligible for payment when more than one field measurement by state forces would be required. Replace the removed material with acceptable material at Contractor expense.

Do not excavate or remove material from within the right-of-way that is outside the grading limits without written permission.

203.01.1 Excavation.

A. Unclassified Excavation. (No Change)

B. Borrow Excavation.

1. Unclassified Borrow. (No Change)

2. Special Borrow Excavation. Special borrow excavation is excavation from designated sources or from other approved sources.

Subsection 203.01.1(B)(1) and the applicable provisions of Subsection 106.02 apply to special borrow.

3. Special Borrow (In-place). Special Borrow (in-place) is the providing and placing of the specified quality of borrow material. Payment for in-place Special Borrow is by the cubic yard (cubic meter) in its final disposition. No allowance is made for shrink or swell.

C. Unclassified Channel Excavation. (No Change)

D. Street Excavation. (No Change)

E. Muck Excavation. (No Change)

F. Sub-excavation. (No Change)

203.04.1 Excavation. The quantities of unclassified excavation, unclassified borrow excavation, special borrow excavation, unclassified channel excavation, street excavation, subexcavation, and muck excavation for payment is the staked quantities calculated in cubic yards (cubic meters) under Subsection 109.01.

The Department will provide the initial measurement at no charge for the following specific work areas:

- (1) In slide areas determined by the Department not to be the fault of the Contractor;
- (2) In excavated areas authorized by the Project Manager, outside the staked lines and grades; and
- (3) In un-staked areas such as borrow areas, muck excavations, sub-excavations, and un-staked excavations authorized by the Project Manager.

These areas of excavation and borrow are measured in their original position under Subsection 109.01.

Either MDT or the prime contractor may request re-measurement of specific work areas, or the entire project, if there is disagreement over the accuracy of quantities computed from the staked lines and grades. The party requesting the re-measurement will be responsible for all costs associated with the re-measurement. Department staff may perform the re-measurement, in which case, the rate for determining the costs for performing the work will be based upon the original contract amount, and the daily charge established in Table 108-1 of Subsection 108.08. An independent third party acceptable to the District Construction Engineer, and under the direction of a professional land surveyor registered in Montana, may also be used to perform the re-measurement.

Excavation is eligible for a second payment under the following conditions:

1. A second handling is required.
2. The excavated material meets all the contract requirements for the second usage.
3. The second payment item is measured in-place in its final disposition, or computed from plan dimensions. Items that require a second field measurement, such as special borrow excavation, are not eligible for a second payment.
4. The contractor makes up any shortfall in excavation, at no cost to the Department, caused by the second use. The material making up the shortfall is subject to approval by the Engineer.
5. The contractor is responsible for the effect the second use has on haul, balance lengths, balance points or other foreseen or unforeseen project constraints.

Authorized excavation of rock, shale, muck, or unsuitable material below grade necessary to provide the designed thickness of backfill is measured for payment. If the designated bottom plane of the excavation falls within a layer of rock, the below-grade excavation to the bottom of the layer, not exceeding 150 millimeters below grade, is considered authorized and is measured for payment. Rock excavation exceeding 150 millimeters below grade is not measured for payment. If the nature of the material, the thickness of the layers or strata, and method of operations make it practical to excavate only to the plan depth, any material removed below plan depth is not measured.

Measurements are made for unusable materials excavated and removed.

Useable material temporarily removed and replaced for Contractor convenience is not measured for payment.

Removal and disposal of unusable materials from borrow areas is not measured for payment. Special borrow removed from areas before staking is not measured for payment.

The actual quantities of plan and approved sub-excavation are measured and added to the quantities of unclassified excavation for payment.

Material authorized for removal that cannot be excavated by the methods used for the unclassified excavation is measured and paid for as muck excavation.

Muck excavation reworked under Subsection 203.03.1(D) is measured and paid for as unclassified excavation for the second handling.

Hauling muck excavation to the disposal areas is measured and paid for as haul under Section 206.

When the Contract does not contain a bid item for muck excavation and an area is determined unstable under Subsection 203.01.1(E)(1 and 2), the muck excavation quantity is measured and paid for at an agreed price or force account basis under Subsection 109.04. Measurement and payment for muck excavation at the agreed price includes all excavating and hauling, disposing of all stumps, logs, and other debris encountered in the excavation, all pumping and de-watering required, and finishing of the planned disposal areas.

Unclassified excavation allowed for pre-split drill equipment clearance is calculated from the area bounded by the plan slope and lines parallel to plan slope, offset 610 millimeters for each 15.2 meter increment in vertical cut height. The quantity for drill equipment clearance where the cut slope height is less than 15.2 meters is not measured.

Removed and placed stockpile material is measured using the volume in its original excavated position.

Where it is impractical to measure material by the cross-section method, alternate methods involving three-dimensional measurements may be used.

Channel excavation is measured and paid for as unclassified excavation.

Street excavation is measured and paid for as unclassified excavation unless the contract has street excavation as a bid item.